

**§ 807.5 Definitions.**

Terms used in this part shall be defined as set forth in § 806.3 of this chapter.

**PART 808—HEARINGS AND ENFORCEMENT ACTIONS****Subpart A—Conduct of Hearings**

Sec.

- 808.1 Public hearings.
- 808.2 Administrative appeals.
- 808.3 Hearings on administrative appeal.
- 808.4 Optional joint hearing.

**Subpart B—Compliance and Enforcement**

- 808.10 Scope of subpart.
- 808.11 Duty to comply.
- 808.12 Investigative powers.
- 808.13 Notice of violation.
- 808.14 Orders.
- 808.15 Show cause proceeding.
- 808.16 Civil penalty criteria.
- 808.17 Enforcement of penalties, abatement or remedial orders.
- 808.18 Settlement by agreement.
- 808.19 Effective date.

AUTHORITY: Secs. 3.5 (9), 3.5 (5), 3.8, 3.10, and 15.2, Pub. L. 91-575, 84 Stat. 1509 *et seq.*

SOURCE: 71 FR 78589, Dec. 29, 2006, unless otherwise noted.

**Subpart A—Conduct of Hearings****§ 808.1 Public hearings.**

(a) A public hearing shall be conducted in the following instances:

(1) Addition of projects or adoption of amendments to the comprehensive plan, except as otherwise provided by Section 14.1 of the compact.

(2) Rulemaking, except for corrective amendments.

(3) Consideration of projects, except projects approved pursuant to memoranda of understanding with member jurisdictions.

(4) Hearing requested by a member jurisdiction.

(5) As otherwise required by the compact or Commission regulations.

(b) A public hearing may be conducted by the Commission in any form or style chosen by the Commission when in the opinion of the Commission, a hearing is either appropriate or necessary to give adequate consideration to issues relating to public health, safety and welfare, or protection of the

environment, or to gather additional information for the record or consider new information, or to decide factual disputes in connection with matters pending before the Commission.

(c) *Notice of public hearing.* At least 20 days before any public hearing required by the compact, notices stating the date, time, place and purpose of the hearing including issues of interest to the Commission shall be published at least once in a newspaper or newspapers of general circulation in the area affected. Occasions when public hearings are required by the compact include, but are not limited to, amendments to the comprehensive plan, drought emergency declarations, and review and approval of diversions. In all other cases, at least 10 days prior to the hearing, notice shall be posted at the office of the Commission (or on the Commission Web site), mailed by first class mail to the parties who, to the Commission's knowledge, will participate in the hearing, and mailed by first class mail to persons, organizations and news media who have made requests to the Commission for notices of hearings or of a particular hearing. In the case of hearings held in connection with rulemaking, notices need only be forwarded to the directors of the New York Register, the Pennsylvania Bulletin, the Maryland Register, and the FEDERAL REGISTER, and it is sufficient that this notice appear only in the FEDERAL REGISTER at least 20 days prior to the hearing and in each individual state publication at least 10 days prior to any hearing scheduled in that state.

(d) *Standard public hearing procedure.*

(1) Hearings shall be open to the public. Participants to a public hearing shall be the project sponsor and the Commission staff. Participants may also be any person wishing to appear at the hearing and make an oral or written statement. Statements may favor or oppose the project/proposal, or may simply express a position without specifically favoring or opposing the project/proposal. Statements shall be made a part of the record of the hearing, and written statements may be received up to and including the last day on which the hearing is held, or within a reasonable time thereafter as may be